

## REMARKS

### Summary of the Amendment and Response

Applicants have cancelled claim 36 without prejudice or disclaimer and retain the option of filing a continuation application. Upon entry of this Amendment, claims 87-94 remain pending.

### Office Action Does Not Reflect Claims As Amended

Applicants respectfully submit that the Office Action dated October 15, 2001 is improper because the Office Action addressed the incorrect claims. Specifically, the Office Action incorrectly addressed claims 1-84. However, by a Preliminary Amendment filed July 2, 1999, Applicants cancelled claims 79-86 without prejudice and added new claims 87-94. Thus, claims 87-94 should be examined.

In addition, Applicants' undersigned representative further understands that a telephonic interview was conducted on Wednesday January 16, 2002, between Examiner A. Sanders and Mr. Steven Bartholomew (Applicants' representative at the time). During the telephonic interview, Mr. Bartholomew explained that the Office Action referred incorrectly to the pending claims. Applicants' undersigned representative further understands that a copy of the Preliminary Amendment was faxed to the Examiner Sanders pursuant to her request. Also, Applicants' undersigned representative understands that the Examiner stated that she would send a new Office Action shortly and that the period for response would be set anew so that, according to the Examiner, Applicants did not need to respond to the existing outstanding Office Action. A copy of Mr. Bartholomew's memo summarizing the telephonic interview is attached.

### The Objection to the Disclosure

The disclosure stands objected to because of informalities. In response, Applicants provide herewith a replacement copy of the specification. Accordingly, Applicants respectfully request that the objection to the disclosure be withdrawn.

### The Double Patenting Rejection

Claim 36 stands rejected under the judicially created doctrine obviousness type double patenting as being unpatentable over claims 1, 4, 18, and 24 of U.S. Patent No. 5,886,337. While Applicants do not concede to the rejection, Applicants have canceled claim 36 without prejudice

or disclaimer while maintaining the right to file a continuation application. Thus, the rejection of claim 36 is moot.

**Conclusion**

In view of the foregoing amendments and remarks, Applicants respectfully requests the reconsideration and reexamination of this application and the timely allowance of the pending claims. Applicants respectfully invites the Examiner to contact the undersigned if there remains any outstanding issues that need to be addressed before a Notice of Allowance can issue.

Except for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

Respectfully submitted,

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